

District II Advisory Board Minutes

September 16, 2002

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The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library at 5939 E. 9th Street North.

Members Present

Council Member Joe Pisciotte
Martha Bruce Fair
Michele Chauncey
Marla Flentje
Charlotte Foster
John Fuller
Larry Frutiger
Tim Goodpasture
Shirley Jefferson
Joe Johnson
Mike Jones
Joe Patrick*
Max Weddle*

Staff Present

Dave Barber, MAPD
Jeanne Goodvin, CMO
Scott Knebel, MAPD
Donte Martin, CMO

Guests

Greg Ferris
Charles Harris
Harold Johnson
Mark Nordyke
Bob Young

Members Absent

Ray Hinderliter*
Kathy Wegner

* Denotes an alternate DAB member

ORDER OF BUSINESS

Call to Order

The meeting was called to order at 7:00.

Approval of Minutes and Agenda

The minutes for August 5, 2002 was approved 10-0 as amended (Frutiger/Chauncey).

The agenda for the September 16, 2002 DAB II meeting was approved as submitted (Johnson/Flentje).

Public Agenda

1. Scheduled items

No items submitted

2. Off-agenda items

No items submitted

STAFF PRESENTATION

3. Proposed City Council Boundary Redistricting

Jack Focht, Chairman of the Commission of Electors, presented the proposed changes to the City Council district boundaries. Charter Ordinance 173 governs the revision of the Council district boundaries and requires a commission of the electors of the City be appointed to examine the plan of the districts and shall, by September 30 recommend to the Council such revisions in the boundary lines of the districts. Council must re-establish boundary lines by December 31 and can accept or reject, in whole or in part, the recommendation of the commission of electors

The Commission of Electors reviewed population data and presented a map with the boundary line changes. This group is made up of seven citizens appointed by the Mayor and each City Council member.

The Commission of Electors membership is: Jack Focht, Amy Garcia, Eugene Anderson, Irene Armstrong, Nile Dilmore, Matt Foley and Mike Pompeo.

Pursuant to ordinance the boundary lines for the six Council districts shall be re-established by the commission of electors and Council so as to:

1. Contain within each district a population which to the greatest extent feasible is equal to one-sixth (1/6) of the total population of the City, but which under no circumstances shall be greater or less than one-sixth (1/6) of the total population of the City by more than five percent (5%), based on the U.S. decennial census or upon the most current population data then available.

2. Maintain a reasonably compact area in each district and avoid any noncontiguous zones or any unusually exaggerated extension of district lines.

3. Follow election precinct lines as established by the Sedgwick County Election Commissioner and be described in terms of the wards and precincts contained in each district.

4. Avoid use of number of registered voters by party or other partisan data.

5. Maintain, as much as possible, the integrity of broadly cohesive areas of interest.”

Focht stated the City is primarily growing in the northeast and northwest areas of town. The commission used growth projections to predict future population shifts and to accommodate this growth within the revised boundaries.

Due to predicted growth in Council District II the commission is recommending removing precincts 207, 208, and 211 from the district. These precincts would be added to Council District III. The commission is also recommending removing precincts 209s, 233, and 239 from Council District II and adding them to Council District I.

Mike Pompeo was appointed to the commission by CM Pisciotte and stated that although he believes the process to develop these revisions was great, he believes too much emphasis was placed on growth projections. Pompeo recommends leaving precincts 233 and 239 within Council District II.

David Babich, 4431 Ironwood, addressed the DAB and stated the proposed revisions violate the Charter Ordinance by failing to maintain the integrity of broadly cohesive areas of interest. Babich stated that Rock Road is a common interest for precincts 233 & 239 and having one Council Member responsible for Rock Road would be advantageous. Currently the Council Member for District II represents all areas within the city limits that border Rock Road. Babich added the population growth projections are not listed in the ordinance as a requirement for establishing boundary lines. He submitted a spreadsheet showing that the population of Council District II would remain balanced with the other Council District if precincts 233 & 239 remained in Council District II.

Marla Flentje asked if projections for future growth were required by ordinance. **Focht** replied no. **Flentje** stated that most of the growth in Council District II has occurred due to annexation and that this growth should be expected to slow. She added that the Rock Road corridor is a common interest for precincts 233 & 239 and that one Council Member as well as one DAB should be responsible for this interest.

Mike Jones asked if citizens within the precincts that are proposed for Council District change have been notified. **Focht** replied that citizens have not been notified and opportunities for public comment will come prior to City Council adopting a plan.

Jones asked what other options were considered and could the precinct lines be redrawn. **Focht** replied that among the other options that were considered was moving College Hill to Council District I. The precinct could be redrawn but the Election Commissioner suggested the council District boundaries be revised without any changes to precinct boundaries.

Marla Flentje asked members of DAB II if they were in consensus that precincts 233 & 239 should remain in Council District II.

Council Member Pisciotte thanked Mr. Focht for his presentation and concluded the discussion by saying that these proposed changes are not final. There will be continued dialog prior to the City Council finalizing any changes.

Action Taken: DAB II formally expressed the consensus view that precincts 233 & 239 should remain in Council District II.

4. Neighborhood Inspection

Deb Legge, Neighborhood Inspection Supervisor, presented statistics detailing the number of housing, residential zoning, and graffiti enforcement cases worked through July 2002.

Neighborhood Inspection Activity through July 31, 2002

# Housing Code cases started	874
# Housing Code cases closed	618
# Housing notices issued	4,800
# Uniform criminal complaints initiated	214
Total # Housing inspections	12,153
# Zoning cases started	1,265
# Zoning cases closed	1,255
# Zoning notices issued	1,332
# Zoning citations issued	303
Total # Zoning inspections	3,799
# Graffiti cases started	750
# Graffiti cases closed	847
# Graffiti notices issued	521
# Graffiti cases referred to Public Works for abatement	* 569
Total # Graffiti inspections	1,978
# Active Housing cases	4,389
# Active Zoning cases	700
# Condemnation cases initiated	41
# Condemnation cases repaired	19
# Condemnation cases demolished	21
# Emergency board-ups	36
# Neighborhood cleanups	43

*Thru June 2002

Michele Chauncey commended Legge on her efforts and stated that her staff does a great job.

CM Joe Pisciotte asked if there were any marked differences in the number of cases opened in neighborhood associations, homeowner associations, and those areas that have neither. **Legge** replied that fewer cases are opened in areas with a homeowner association due to the covenants governing these areas. The greatest numbers of cases are opened in area with no formal associations.

Action Taken: Received and filed.

PLANNING AGENDA

5. CON 2002-00045

Scott Knebel, MAPD, presented a request for a Conditional Use to allow outdoor vehicle and equipment sales near the southeast corner of Kellogg & Woodlawn (6405 E. Kellogg).

Knebel explained that the applicant is requesting a Conditional Use to allow a new & used car lot on Lots 1, 2, 3 (excluding the north 10-foot of the east 60-feet) & 4 (excluding the north 10-feet of the west 90-feet), Englewood 2nd Addition. The site is approximately 1.8 acres in size and is zoned “LC” Limited Commercial. The site is located on the southeast corner of Kellogg and Woodlawn, 6405 E Kellogg. The Unified Zoning Code defines a new or used car lot as “outdoor vehicle and equipment sales” which requires a Conditional Use when located in the “LC” district.

The south side of the Kellogg Street frontage, from Oliver to Rock Road, is commercial in character with vehicle sales lots being the dominant businesses. The area immediately east of the site is zoned “LC” Limited Commercial and has 3 car sales lots. The zoning of the property to the west, across Woodlawn, is “LC” Limited Commercial, with the property developed as 2 small retail strips. The zoning to the south, across a paved alley, is “B” Multi-family and the property is developed with 4-plexes. The property to the north, across Kellogg, is in the City of Eastborough and is developed as a park and single-family residential.

The applicant submitted a “Site Plan,” which indicates that the applicant proposes to basically keep the subject property as it now is. An existing 22,405 square foot commercial building will remain on the subject property. The applicant proposes to keep the existing lighting plus add some. The site plan does not distinguish what is proposed or existing lighting, nor does it give their type or height. The applicant proposes two locations for signs rather than the existing one. The size and type of the signs are not given. The two existing access drives, one to Woodlawn and the other to the Kellogg frontage road, are proposed to remain. No landscaping or screening is proposed for the site. The applicant proposes 36 customer – employee parking spaces and 97 display spaces. Per the UZC the parking requirement would be 45 spaces for the 22,404 square-foot building (if used as part of the vehicle sales lot), plus 2 spaces for the first 10,000 square-feet of lot used for sales (lot used for sales is 33,345 square-feet) and 1 space for each 10,000 square-feet of the lot area used for sales, display or storage for a total of 50 required parking spaces.

To limit the impact of the proposal and to bring the proposal into compliance with existing regulations, planning staff recommends conditions of approval regarding access, screening, landscaping, and operational standards.

Based upon information available prior to the public hearing, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The site shall be developed and operated in compliance with all applicable regulations, including Section III.D.6.x. of the Unified Zoning Code shall be met.
2. Parking spaces for employees and customers shall be provided on the property as required by the Unified Zoning Code and in conformance with the standards established by the City Traffic Engineer. The parking spaces shall be marked and designated for employees and customers and shall not be used for display or storage of vehicles for sale, unless an employee drives the vehicle.

3. A landscaped street yard and landscape buffer in conformance with the requirements of the Landscape Ordinance shall be provided on the property and shall comply with a landscape plan approved by the Planning Director.
4. Traffic is requesting an extension of an approved median strip to go to the site's current Woodlawn access, which would create a right in – right out access off and onto Woodlawn from the site. Traffic has noted that there is a controlled left turn lane off of Kellogg onto the south Kellogg frontage which allows southbound Woodlawn traffic a safer opportunity for access onto the site. The improvements scheduled for this section of Kellogg, include designing the Kellogg – Woodlawn intersection to be similar to the Kellogg – Oliver intersection, which allows for controlled left turns off of Woodlawn onto the Kellogg frontage road and use of the site's existing access onto the Kellogg frontage road.
5. A revised site plan reflecting the conditions of approval (including Section III.D.6.x. of the Unified Zoning Code) shall be submitted for approval by the Planning Director within 60 days of approval of the Conditional Use by the MAPC or governing body, as applicable.
6. The site shall be developed in general conformance with the approved site plan. All improvements shown on the approved site plan shall be completed within one year of approval of the revised site plan by the Planning Director.
7. Any new lighting installed on the site shall match the existing poles in height, style and color.
8. Signage shall be limited to the two signs shown on the site plan.
9. After a review of the development and upon appropriate findings, any violation of the conditions of approval will allow the Conditional Use to be declared null and void.

Knebel added that the MAPD recommends conditions 4,7, and 8 of the staff report be removed.

Knebel stated that MAPD recommends conditions 2 & 3 of the staff report be enforced. These conditions concern parking and landscaping requirements.

Kim Edgington, agent for the applicant, stated the site plan would show additional parking to the rear of the building and that if necessary the applicant would remove display spaces to allow additional parking. She also stated that discussions would continue concerning the required landscaping for this site. **Edgington** stated that conditions 2 & 3 of the staff report would be met through continued dialog aimed at resolving these issues.

Citizens in attendance were given the opportunity to comment. Nobody in attendance requested to speak.

Joe Johnson (Goodpasture) moved the staff recommendation be approved with modifications to remove conditions 4, 7, and 8 of the staff report. The motion passed (10-0).

Action Taken: Approved the staff recommendation.

6. CON 2002-00038

Scott Knebel, MAPD, presented a request for a Conditional Use for a wireless communication facility generally located south of Kellogg and east of Woodlawn (6603 E. Kellogg). The applicant proposes to disguise this tower as a flagpole.

Knebel explained that the applicant is seeking a Conditional Use to permit the construction of a 130-foot high monopole tower for use by Cricket Communications. The proposed site is zoned "LC" Limited Commercial. Wireless Communication Facilities over 85 feet in height in the "LC" Limited Commercial zoning district may be permitted with a Conditional Use.

The proposed tower would be sited on a 2,280 square foot area located 100 feet south of Kellogg and 600 feet east of Woodlawn. Access to the site is proposed via an existing gravel parking lot for a veterinary clinic located on the parent tract. The applicant's site plan depicts a 38-foot by 60-foot fenced compound with the tower and the initial ground-level equipment shown in the southwestern portion of the compound. The compound is shown as being enclosed by a six-foot high solid screening fence. The Unified Zoning Code requires screening of the equipment compound since the equipment compound is located less than 150 feet from the street right-of-way.

The applicant indicates that the proposed wireless communication facility is needed for Cricket Communications to provide improved wireless telephone coverage along Kellogg. The applicant indicates that they evaluated using the existing tower at Carriage Parkway, and that it does not meet their communication needs. The applicant also indicates that they pursued constructing a tower on the VA Hospital property, but that the time required negotiating a lease was too long to meet their needs. Finally, the applicant indicates that there are no towers or tall structures within nearly 1-½ miles of the subject property; however, there are multi-story buildings located approximately one-half mile east and three-quarters mile west of the subject property.

The character of the surrounding area is a mixture of commercial and residential uses along the Kellogg corridor, with commercial uses located south of Kellogg and residential uses located north of Kellogg. The properties located east, west, and south of the subject property are zoned "LC" Limited Commercial and are used for vehicle sales. The properties north of the subject property are located with the City of Eastborough and are used for single-family residences and recreational uses.

Planning staff finds that the proposed wireless communication facility does not conform to the guidelines of the Wireless Communication Master Plan. The proposed facility does not utilize existing tall structures in the area. Antennas could be placed on multi-story buildings located approximately one-half mile east and three-quarters mile west the subject property. In an area where extensive beautification efforts, including major renovations to the park in Eastborough, will be undertaken with the Kellogg freeway project, it is important to preserve this visual corridor, which could be accomplished by placing multiple antenna sites on existing tall structures along the Kellogg corridor rather than constructing a tower less than 150 feet from the right-of-way. Doing so also would prevent negative visual impacts on single-family residential and recreational uses located along the north side of Kellogg. The applicant has submitted no site-specific radio frequency analyses to substantiate that placing antennas on existing tall structures rather than constructing a tower is not feasible. The fact that the applicant erroneously indicates that there are no tall structures in the area seems to indicate that these options were not explored as suggested by the Wireless Communication Master Plan. Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request for a 130 foot tall tower be

DENIED; however, if the MAPC finds the request appropriate, planning staff recommends that the MAPC make appropriate findings and that approval be subject to the following conditions:

- A. All requirements of Section III.D.6.g. of the Unified Zoning Code shall be met.
- B. The applicant shall obtain all permits necessary to construct the wireless communication facility, and the wireless communication facility shall be erected within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.
- C. The support structure shall be a “monopole” design that is silver or gray or a similar unobtrusive color with a matte finish to minimize glare.
- D. The support structure shall be 130 feet in height and shall be designed and constructed to accommodate communication equipment for at least three wireless service providers.
- E. The support structure and its foundation shall be designed and constructed in such a manner that permits future height extensions to 160 feet and future loading expansions to accommodate communication equipment for at least four wireless service providers.
- F. The applicant shall obtain FAA approval regarding “objects affecting navigable airspace” and “impacts to terminal instrument procedures” for the proposed wireless communication facility and shall comply with all conditions of FAA approval. The applicant shall submit a copy of FAA approval to the MAPD, Office of Central Inspection, and Director of Airports prior to the issuance of a building permit.
- G. The site shall be developed in general conformance with the approved site plans and elevation drawings. All improvements shall be completed before the facility becomes operational.
- H. The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- I. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Mark Nordyke, applicant, addressed the DAB and presented the design for the camouflaged cell tower. The design calls for 130ft. tall flagpole capable of carrying five antennae for cellular providers. Nordyke added that the request has been approved by MAPC and that the design meets code requirements. According to Mr. Nordyke the design meets 8 of the 9 criteria listed in the wireless master plan.

Citizens in attendance were given the opportunity to comment.

Gary Poore, Mayor of Eastborough, expressed his concerns with the appearance of a 130ft. flagpole in this area. Poore stated this design is out of character for the surrounding neighborhoods.

Alan Joseph has filed an appeal with the Metropolitan Area Planning Department and feels there are more appropriate locations available in this area. He suggests placing an antenna on the roof of the Hillcrest Financial Center.

David Soles stated the flagpole would be an eyesore and negatively impact nearby residents.

CM Pisciotte closed the public comment and the remaining discussion was limited to DAB II members.

Marla Flentje, DAB II, asked why does the tower need to be 130 ft. tall. **Nordyke** replied that Cricket Communications needs a 130 ft. tower for their frequencies to work properly.

Michele Chauncey, DAB II, stated that she has researched other locales and was unable to find another community with 130ft. tall cell towers camouflaged as flagpoles. She expressed concern with lighting issues, maintenance, and the flight paths for McConnell AFB.

The District II Advisory Board voted (7-3) Chauncey (Foster) to support the MAPD staff recommendation and deny the conditional use request. Martha Bruce Fair, Larry Frutiger, and Joe Johnson voted against the motion.

CM Pisciotte asked if there would be a willingness by affected parties to participate in an interest-based negotiation to attempt to resolve issues with this request. The goal would be to develop a plan that is acceptable to identified stakeholders. CM Pisciotte appointed Marla Flentjie, Joe Johnson, and Michele Chauncey to represent DAB II on this committee.

Action Taken: Approved the staff recommendation and appointed a subcommittee to meet with stakeholders to discuss potential solutions.

BOARD AGENDA

7. Updates, Issues, and Reports

No items were submitted.

8. Next Meeting

The next regularly scheduled DAB II meeting will be October 7, 2002 at the Rockwell Branch Library.

With no further business the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Donte Martin
Neighborhood Assistant
District II